

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall – Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
OCTOBER 27, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

PLEDGE OF ALLEGIANCE

ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – August 28, 2015 and October 13, 2015

[1.] CONSENT CALENDAR

1-A. TENTATIVE MAP NO. 073571 – 404 EAST NEWMARK AVENUE (TM-15-07)

Receive and file, Bryant Bach Q. Nguyen, seeks a Tentative Map to subdivide air rights to develop a 2-unit condominium project at 404 East Newmark Avenue in the R-3 (High Density Residential) Zone, continued to a date uncertain until various code violations are resolved.

[2.] UNFINISHED BUSINESS - None

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. TENTATIVE MAP NO. 073787 – 234 NORTH CHANDLER AVENUE (TM-15-08)

The applicant, Yazhong Li, seek a Tentative Map to subdivide air rights to develop a 2-unit condominium project at 234 North Chandler Avenue in the R-3 (High Density Residential) Zone.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073787 (TM-15-08) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

3-B. CONDITIONAL USE PERMIT – 111 NORTH ATLANTIC BOULEVARD #118 (CU-15-06)

The applicant, Luen H. Chan, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) for a public eating place and an indoor commercial recreational facility (karaoke) at 111 North Atlantic Boulevard #118. The property is zoned R-S (Regional Specialty) Zone.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Conditional Use Permit (CU-15-06) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

[4.] COMMISSION COMMUNICATIONS

[5.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION

[6.] STAFF UPDATES

[7.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on November 10, 2015

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: October 27, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consent Calendar – Tentative Map No. 073571 (TM-15-07) to allow the subdivision of air-rights to establish and maintain a 2-unit residential development – 404 East Newmark Avenue.

EXECUTIVE SUMMARY:

Based upon the comments made by several public speakers during the Planning Commission meeting on October 13, 2015, the City's code enforcement officers inspected the subject property on October 14th. Various violations were identified at that time. The matter is currently an open code enforcement case and, therefore, the specifics of the matter cannot be publicly shared at this time. Once the violations are resolved, however, staff will reschedule this matter for Planning Commission consideration including, without limitation, a recommendation regarding the proposed tentative map.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney



Planning Commission Staff Report

DATE: October 27, 2015

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 073787 (TM-15-08) to allow the subdivision of air-rights to establish and maintain a 2-unit residential development – 234 North Chandler Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073787 (TM-15-08) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Yazhong Li, seek a Tentative Map to subdivide air rights to develop a 2-unit condominium project at 234 North Chandler Avenue.

The R-3 (High Density Residential) zone allows for a density up to 2 units; the applicant is proposing to construct 2 units. The proposed project meets the zoning regulations and development standards. The High Density Residential land use allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre.

North Chandler Avenue is currently developed with a mixture of older one-story single-family dwelling units and multi-unit residential developments. The existing developments range in year of construction from the 1950s to the 2000s. The subject property is currently developed with two older detached residential dwelling units.

Property Description

The property is located at the mid-block of North Chandler Avenue, between West Emerson Avenue and West Garvey Avenue. The property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. To the north,

south, east, and west are R-3 zoned lots. The subject site has a frontage of 52 feet and a depth of 192 feet, with a total lot area of 9,984 square feet in size.

Project Description

The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units.

The two units will have 4 bedrooms. The front unit will be 2,537 square feet and the rear unit will be 2,485 square feet. The proposed buildings on the site will meet the required front and rear setback of 25 feet, a 15-foot street side setback for the first floor, 25-foot street side setback for the second floor, a 5-foot interior side setback for the first floor, and a 10-foot interior side setback for the second floor. Each unit will be two stories, with a maximum height of 25 feet 2-inch. A clearance of at least 12 feet will be provided between the buildings.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with four or more bedrooms require 2 enclosed garage spaces, plus 1 guest parking per dwelling unit. Overall, 4 enclosed garage spaces and 2 guest parking spaces are required and will be provided. According to the site plan, each unit will be provided with a two-car garage and one guest parking space per unit. The driveway has a width of 20 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC, the project is required to provide a minimum of 400 square feet of common open space, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 422 square feet of common open space throughout the property, and each unit will be provided with private open spaces with at least 353 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

The project is in compliance with R-3 development standards. Subsequent to Planning Commission review, the project design must be reviewed and approved by the Design Review Board.

OTHER ITEMS:

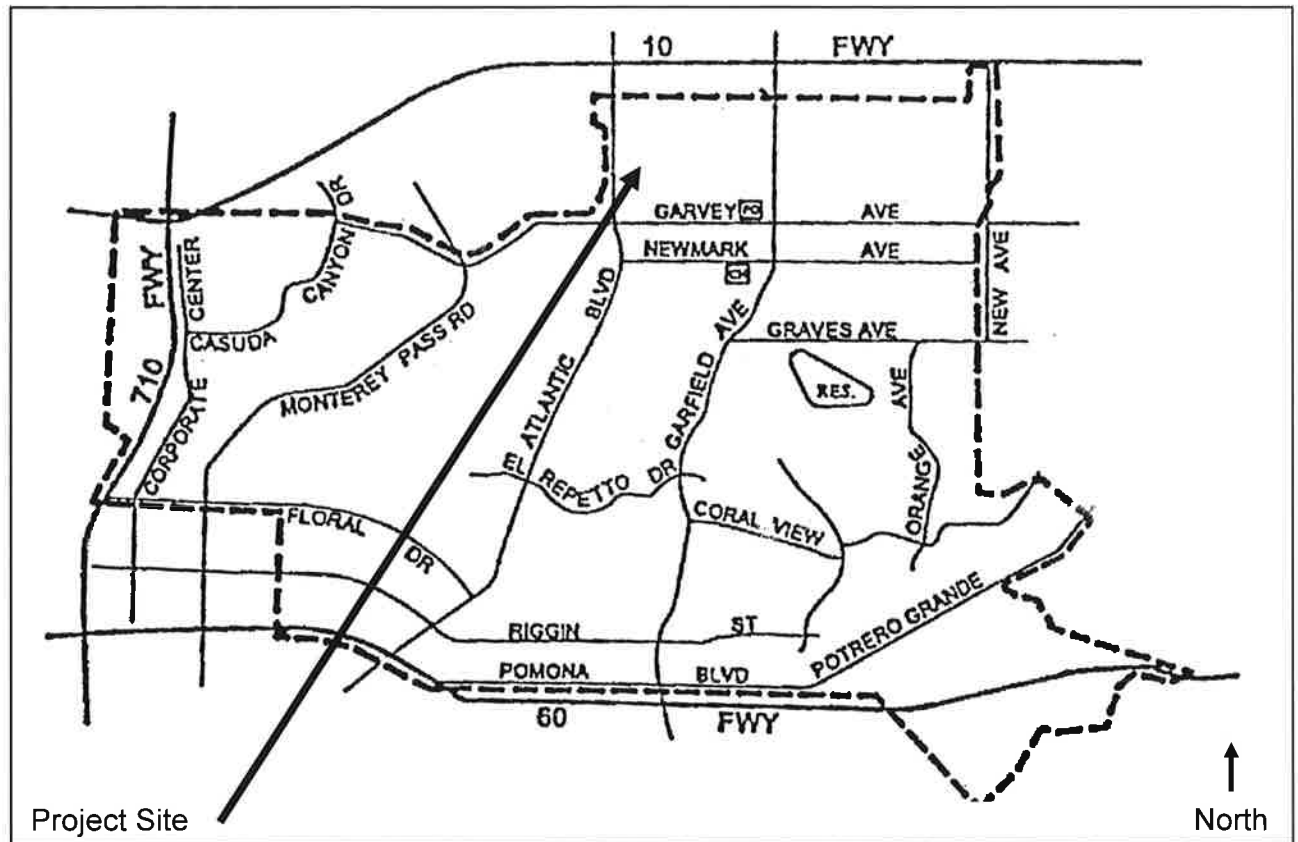
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **September 24, 2015** and published in the Wave on **October 1, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to 71 property owners within a 300 feet radius and current tenants of the property concerned on **September 24, 2015**.

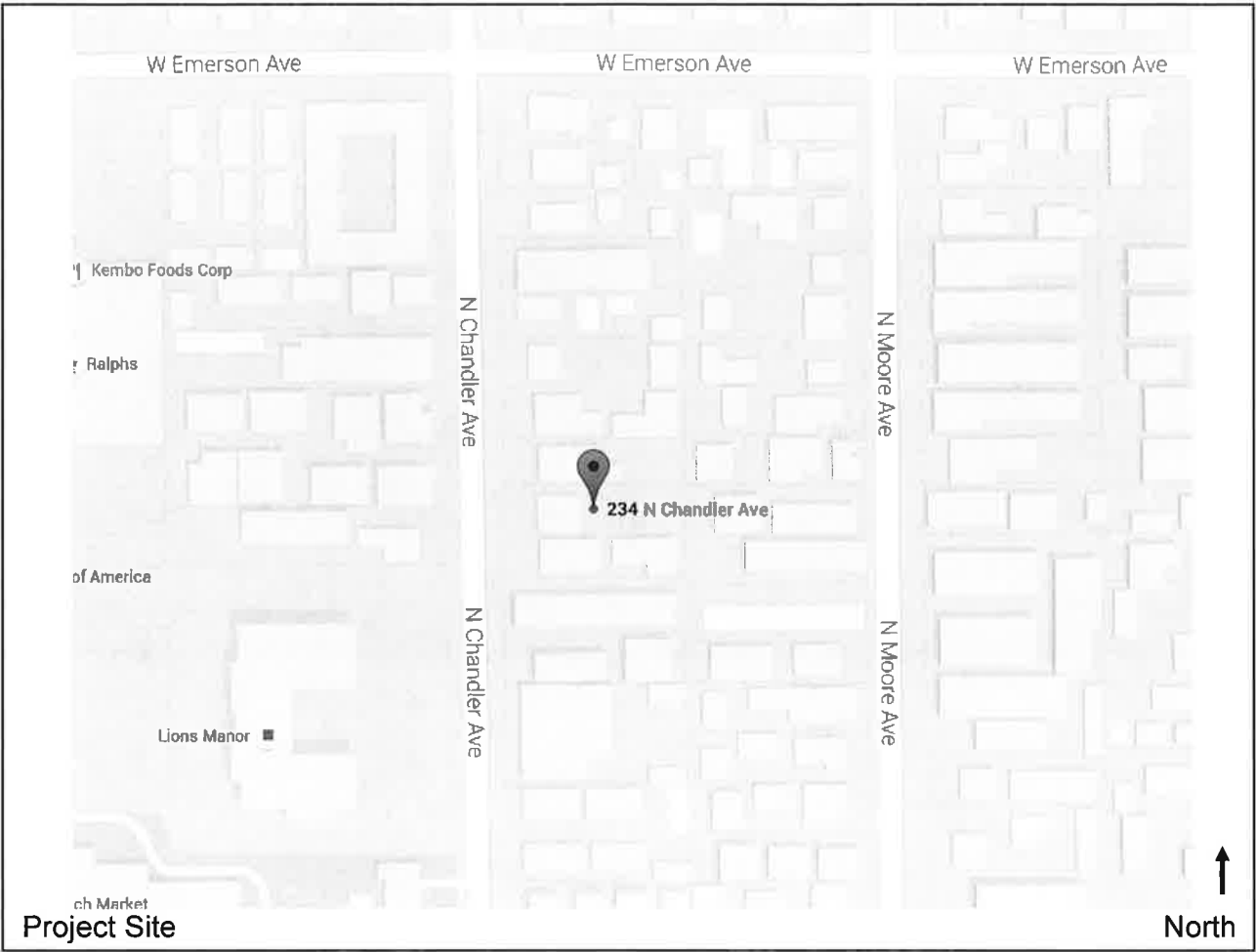
Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

Vicinity Map



Street Map



Aerial Map




ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

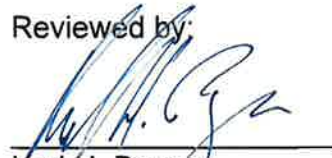
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, elevation plans and Tentative Map

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 073787 (TM-15-08) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 234 NORTH CHANDLER AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On September 2, 2015, Yazhong Li, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 073787 (TM-15-08) to subdivide air rights to establish and maintain a 2-unit condominium project at 234 North Chandler Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for October 27, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On October 27, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 27, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to construct two new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 234 North Chandler Avenue is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan;

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- C. The Project property is located at the mid-block of North Chandler Avenue, between West Newmark Avenue and West Garvey Avenue. To the north, south, east, and west are R-3 zoned lots; and
- D. The Project property is 9,984 square feet (0.23 acres) in area and is currently developed with older single-family residential dwelling unit.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

SECTION 4: *Tentative Map Findings.* The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow two condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on East Newmark Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 2-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 9,984 square feet (0.23 acres) and adequate in size to accommodate a 2-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

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- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 073787 (TM-15-08).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

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SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 27th day of October 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of October 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

234 NORTH CHANDLER AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Yazhong Li agrees that he will comply with the following conditions for approval of Tentative Map No. 073787 (TM-15-08) ("Project Conditions").

PLANNING:

1. Yazhong Li (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-15-08 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-15-08, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-15-08 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the Civil Code § 832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the

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applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

18. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
19. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
20. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
21. A homeowner's association must be established.
22. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
23. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
24. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
25. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of

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water meter and water services. All upgrading costs are the responsibility of the property owner.

26. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
27. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties cannot be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
28. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
29. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
30. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
31. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
32. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with MPMC Chapter 14.06.

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33. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
34. The grading and drainage plan must be submittal by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological report submitted by the developer's consultant.
35. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.
36. The City reserves the right to restrict driveway access to and from the project in the event that future traffic conditions warrant such restricted turn movements.
37. Automatic irrigation system controllers for landscaping must be weather- or soil moisture-based controllers that automatically adjust irrigation in response to conditions change.
38. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall must have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.
39. Each plumbing fixture and fitting must meet the 30 percent reduced flow rate specified. A calculation demonstrating a 30 percent reduction in the building "water use baseline" as established in Table A5.303.2.2 must be provided.

FIRE:

40. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
41. All structures must be fully sprinklered per National Fire Protection Association (NFPA) 13D and local amendments.
42. Fire flow for the entire project is 1,500 gallons per minute (gpm) at 20 (pounds per square inch (psi) for two hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Monterey Park Fire Department per California Fire Code (CFC) Appendix B/C.
43. A fire hydrant must be provided to ensure all points of all structures are within 600 feet of a hydrant. The hydrant must be in place and operational prior to construction commencing per CFC 507.5.1.

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44. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately three-fourths inch. The house number must be centered on a six-inch by sixteen-inch rectangular background per MPMC 13.17.050.

POLICE:

45. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
46. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
47. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
48. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
49. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
50. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
51. All common open areas must be well lit during the hours of darkness.
52. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
53. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Yazhong Li, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Yazhong Li, Applicant



Planning Commission Staff Report

DATE: October 27, 2015

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-15-06) to allow on-sale beer and wine (Type 41) for a bona fide public eating place and an indoor commercial recreational facility (karaoke) – 111 North Atlantic Boulevard #118.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-15-06) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Luen H. Chan, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) for a public eating place and an indoor commercial recreational facility (karaoke) at 111 North Atlantic Boulevard #118. The property is zoned R-S (Regional Specialty) and is designated Commercial in the General Plan. Staff is recommending approval of the Conditional Use Permit subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol and karaoke uses.

Property Description

The subject property is located in Atlantic Place Shopping Center, on the northwest corner of the North Atlantic Boulevard and West Garvey Avenue. The property is zoned R-S (Regional Specialty) and designated Commercial in the General Plan. To the north of the property is a one-story, multi-tenant commercial building (Mar Center), south are West Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, west are single-family dwellings in the City of Alhambra. The lot is 82,324 square feet (1.89 acres) in size and is developed with a three-story commercial building totaling 116,654 square feet.

There are 30 tenant spaces in total, including 18 units on the first floor, 12 units on the second floor, and 6 units on the third floor. A total of 396 parking spaces are provided on two levels, including 79 at-grade uncovered spaces, 88 at-grade covered spaces, and 229 subterranean level spaces. The property is accessible from North Atlantic Boulevard and two driveways off of West Garvey Avenue. Atlantic Place Shopping Center is comprised of a mixture of service office, professional office, and restaurant uses.

Project Description

According to the floor plan, the subject unit is 5,175 square feet and was previously occupied by a restaurant (LA Cheers). The existing tenant space will be remodeled to include 14 karaoke rooms ranging in size from the 87 square feet to 341 square feet. Additionally, there will be a 359 square feet kitchen, restrooms, storage space, and a waiting area. The business operating hours will be Monday through Sunday, from 4:00 p.m. to 2:00 a.m. The alcohol service hours will be the same as the food service hours. The on-site alcoholic beverages services will complement the food menu.

According to the regulations established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,048 in the census tract, ABC allows 2 on-sale licenses in this census tract; currently there are 15 licensed establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a conditional use permit ("CUP"). As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the Monterey Park Municipal Code ("MPMC"). Based on discussions with ABC, if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a routine matter.

This application for a conditional use permit is to allow a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place and an indoor commercial recreational use (karaoke).

Security

Historically, the Police Department has had to deal with a variety of policing issues related to karaoke use. For this reason, security plays a key component in the operation of the proposed use.

Accordingly, the applicant has been working directly with the City's Police Department to comply with Police requirements. In coordination with the City's Police Department, the applicant has provided a Security Plan, which includes a Lighting Plan as well as a Camera and Alarm Plan. Security cameras will be provided in each karaoke room and the hallways. Furthermore, as shown in the interior elevation detail, each karaoke room

will have a 2 feet 6-inch by 1-foot 4-inch clear glass window and 5 feet tall by 2 feet wide tempered glass door to ensure transparency. Lastly, the applicant has already selected security service provider, which has been reviewed and approved by the City's Police Department.

The Police Department included condition numbers 33 through 45 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

Lighting

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

OTHER ITEMS:

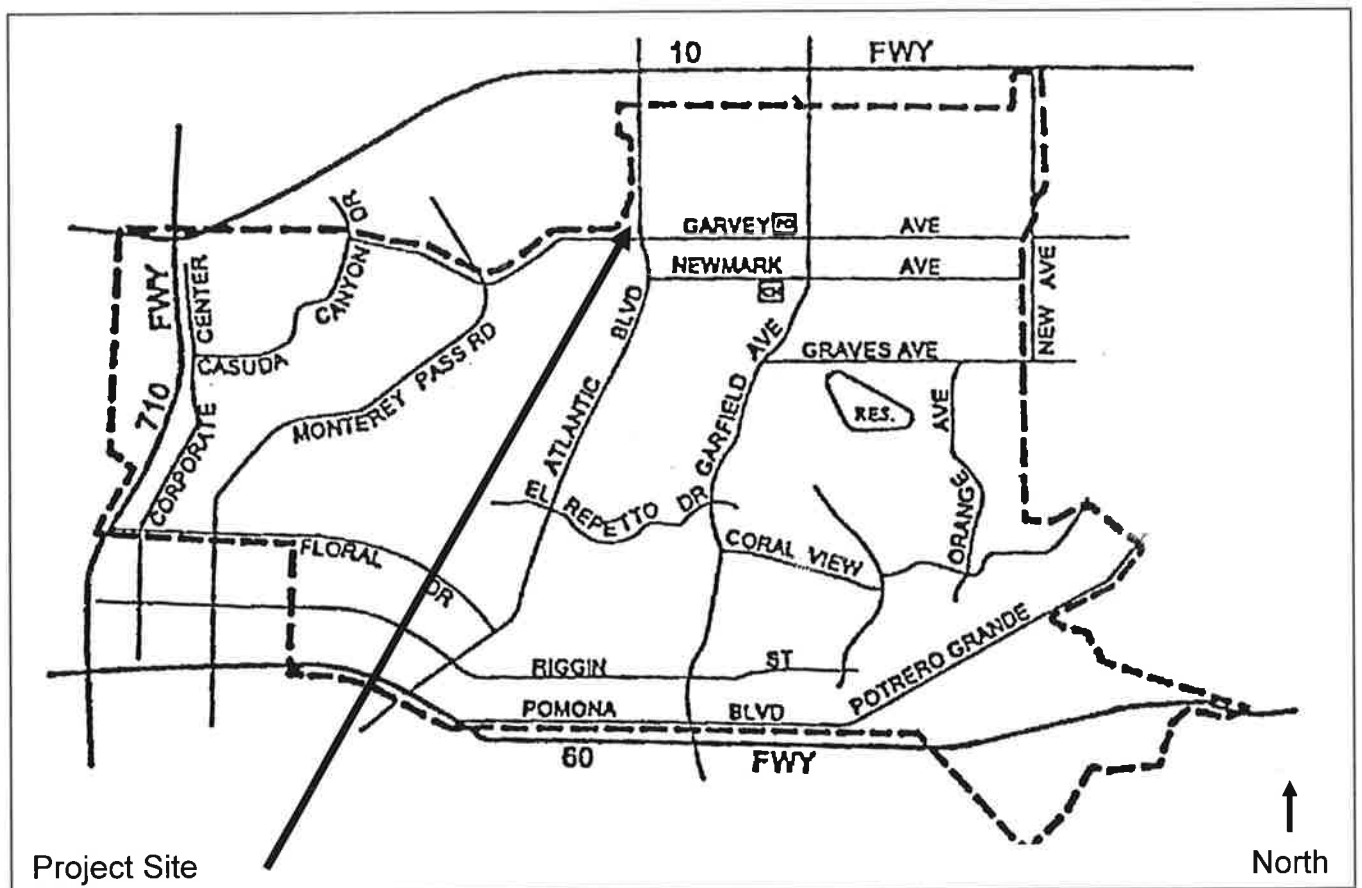
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 7, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **109** property owners within a 300 feet radius and current tenants of the property concerned on **October 7, 2015**.

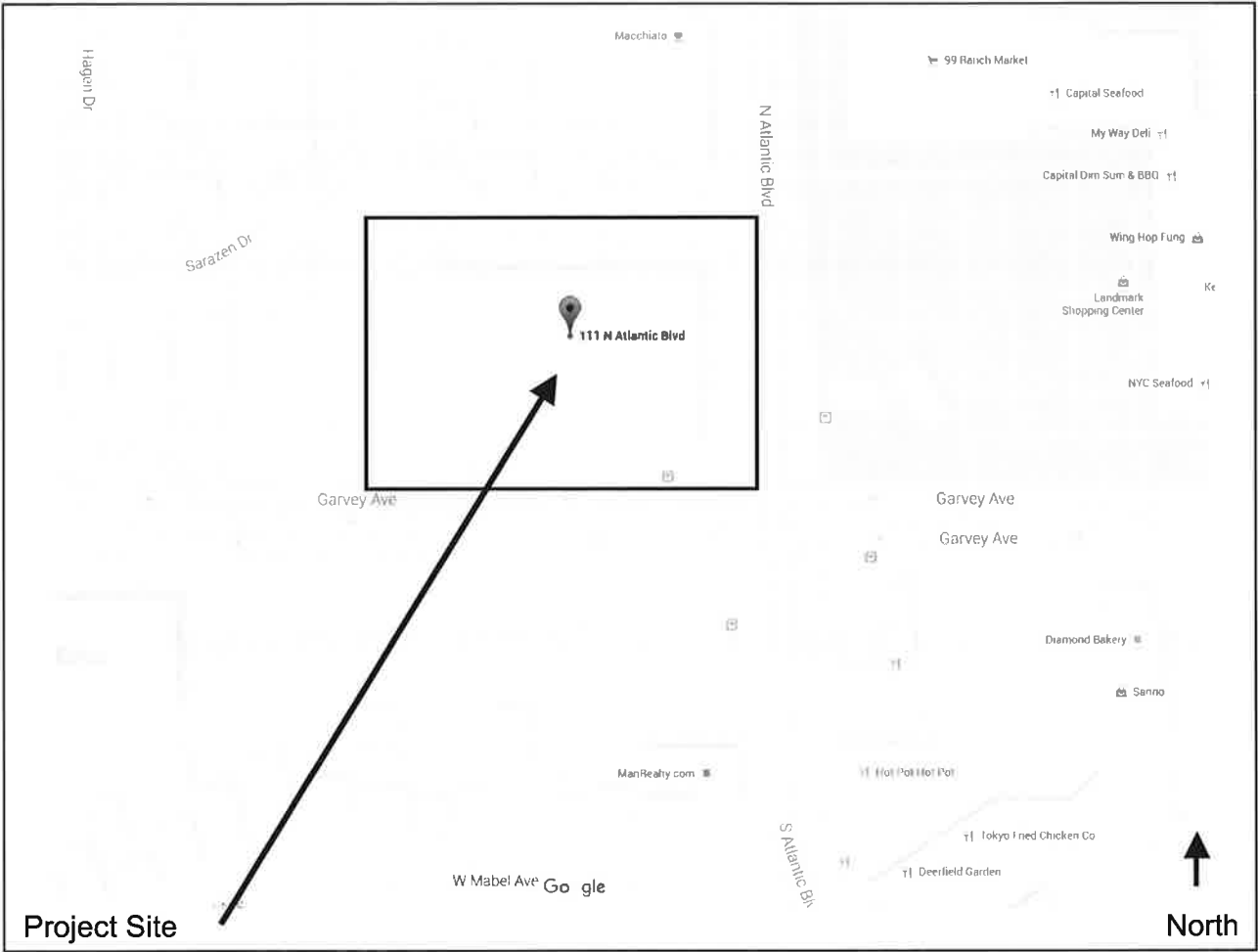
Environmental Assessment

This project was determined to be a Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines § 15301.

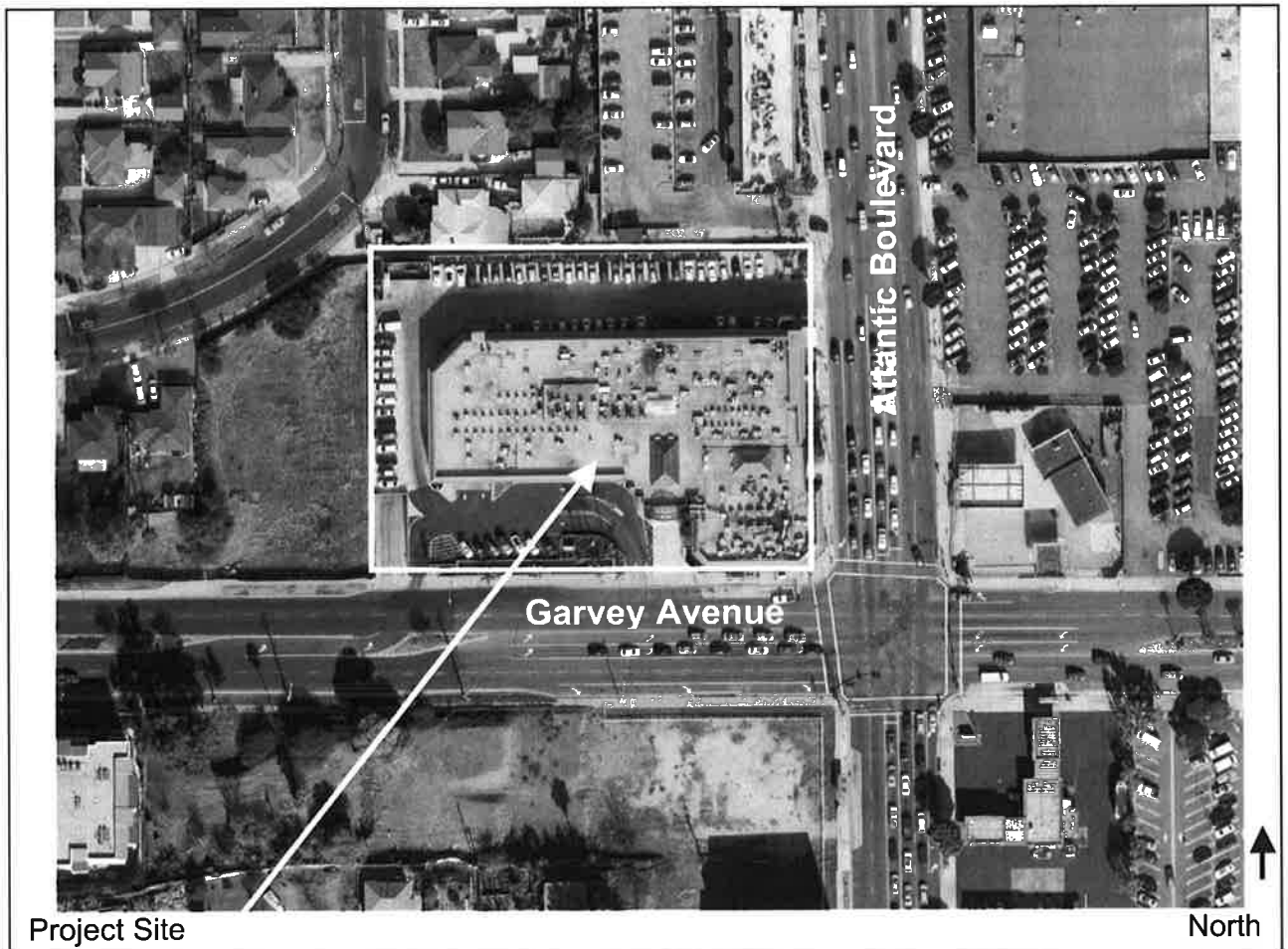
Vicinity Map



Street Map



Aerial Map



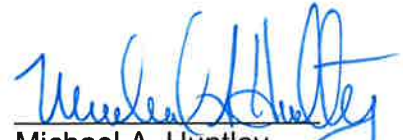
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



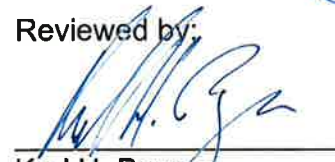
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Resolution

Exhibit B: Site and floor plans and business description

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-06) TO ALLOW ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AND AN INDOOR COMMERCIAL RECREATION FACILITY (KARAOKE) AT 111 NORTH ATLANTIC BOULEVARD #118.

The Planning Commission does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On September 16, 2015, Luen H. Chan, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting approval of Conditional Use Permit (CUP-15-06) to allow on-sale alcoholic beverages (beer and wine) for a bona fide public eating place (K Republic KTV Restaurant) at 111 North Atlantic Boulevard #118 ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for October 27, 2015. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On October 27, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Luen H. Chan; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its October 27, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to serve beer and wine in conjunction with an existing retail eating establishment;

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- B. 111 North Atlantic Boulevard #118 is zoned R-S (Regional Specialty) and designated Commercial in the General Plan;
- C. The subject property is located in Atlantic Place Shopping Center, on the northwest corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S (Regional Specialty) and designated Commercial in the General Plan. To the north of the property is a one-story, multi-tenant commercial building (Mar Center), south is West Garvey Avenue and a vacant lot, east are North Atlantic Boulevard and a vacant gas station, west are single-family dwellings in the City of Alhambra; and
- D. The lot is 82,324 square feet (1.89 acres) in size and is developed with a three-story commercial building totaling 116,654 square feet. There are 30 tenant spaces in total, including 18 units on the first floor, 12 units on the second floor, and 6 units on the third floor. A total of 396 parking spaces are provided on two levels, including 79 at-grade uncovered spaces, 88 at-grade covered spaces, and 229 subterranean level spaces. The property is accessible from North Atlantic Boulevard and two driveways off of West Garvey Avenue. Atlantic Place Shopping Center is comprised of a mixture of service office, professional office, and restaurant uses.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC § 21.32.020, the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in the MPMC.

The site is adequate in size, shape and topography for the proposed use because the proposed use is the on-sale of beer and wine sales with retail eating establishment and an indoor commercial recreational use (karaoke). No changes are proposed to the site.

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

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The proposed use is not expected to significantly increase traffic. The subject tenant space was previously occupied by a restaurant with on-sale general alcoholic beverages and entertainment.

- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is on-sale beer and wine to accompany meals at an indoor recreational facility (karaoke). On-sale alcoholic beverage sales are permitted in the R-S (Regional Specialty) Zone with Conditional Use Permit approval. The subject property is zoned R-S (Regional Specialty). An eating establishment is a permitted principle use in the R-S Zone. Adjacent properties include R-S zoned lots to the north, south, and west. To the west are single-family dwelling units in the City of Alhambra. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City

Required security measures will minimize the potential for any negative impacts. As set forth above and in the administrative record, allowing alcohol service to the existing restaurant use at the property will not adversely affect surrounding properties.

- E. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use is on-sale beer and wine with a retail eating establishment and an indoor commercial recreational use (karaoke). The property is currently developed with a three-story commercial building totaling 116,654 square feet. On-sale of alcoholic beverage uses is permitted with a conditional use permit.

- F. The use at the project location is one properly authorized by conditional use permit pursuant to the zoning regulations within the MPMC.

- G. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

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- H. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.
1. The applicant's request to add beer and wine sales (Type 41) for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents since on-sale beer and wine, as mentioned, will be incidental to the primary use. According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,048 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 15 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by ABC.
 2. According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 33 through 45 in the Resolution to address security and alarm requirements.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-15-06).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Luen H. Chan and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 27th day of October 2015.

Rodrigo Garcia, Chairperson

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of October 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

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Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

111 NORTH ATLANTIC BOULEVARD #118

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Luen H. Chan, agrees that he will comply with the following conditions of approval for Conditional Use Permit (CUP-15-06) ("Project Conditions").

PLANNING:

1. Luen H. Chan (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-15-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-06) must be kept on the premises of the establishment and presented to any authorized City official upon request.
6. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.

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7. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage License for On-Sale Beer and Wine – Eating Place. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
8. The service of alcohol is only allowed with the consumption of food.
9. The sale of alcoholic beverages for consumption outside or off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
10. The restaurant business hours of operation will be Monday through Sunday from 4:00 p.m. to 2:00 a.m.
11. Hours of operations for alcohol service at the restaurant are limited to the hours of 4:00 a.m. to 2:00 a.m. daily.
12. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
13. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through hotel staff at all times.
14. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") at a prominent location approved by the Police Chief, or designee, at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.
15. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
16. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
17. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

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- a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
18. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the hotel, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

BUILDING:

19. The second sheet of the building plans is to list all City of Monterey Park conditions of approval.
20. All works must conform to the requirements of the current California Building Code (CBC).
21. Plan checks are required prior to the issuance of building permits.
22. At the time of plan check, an exit plan must be submitted that labels and clearly shows compliance with all required egress features such as common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc.
23. At the time of plan check, submit the necessary information about accessibility to commercial building per CBC Chapter 11B.

FIRE:

24. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
25. Obtain City permits and acquire approvals for the commercial tenant improvement from all City departments.

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26. Fire sprinkler, fire alarm, and automatic extinguishing systems require separate submittals and permits from the Fire Department of the commercial tenant improvement in accordance with the 2013 California Fire Code and applicable national standards. Work will not commence until a permit is obtained.
27. Show deferred approvals for the kitchen extinguishing system, fire sprinkler, and fire alarm systems as deferred submittals on the title page.
28. An approved grease interceptor is required for all new restaurants. Obtain a City permit from the Fire Department and acquire approvals from the City to install a grease interceptor. The property owner must be responsible for the maintenance of the grease interceptor and submit quarterly manifest reports to the fire department for review.
29. Apply for a certificate of occupancy for the new business that completed a tenant improvement, schedule a fire inspection for a fire clearance, and acquire approvals from all City departments.

LICENSING:

30. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230.

POLICE:

31. The business must have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Police Chief, or designee, can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Police Chief, or designee.
32. The business must employ and provide a minimum of one uniformed private security guard during the hours of operation. The private security company will be properly licensed and meet all the criteria and legal obligations to operate a private security company. If the Police Chief, or designee, determines, through evaluation of incidents or call for service, that the performance of the guard(s) or Guard Company is inadequate to address the safety concerns of the community

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and the public, the Police Chief, or designee, may increase or decrease the number of security guards as the situation calls for.

33. There must be no designated enclosed private booths for patrons and all karaoke rooms must have the ability to be seen clearly into by staff and security.
34. There must be no hosts/hostesses for the purpose of encouraging alcoholic beverage consumption/purchase in or on the facilities or for the purposes of personal patron accompaniment.
35. The sale of alcoholic beverages for consumption off the premise is prohibited.
36. Food service is required at all hours that the establishment is open for business.
37. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
38. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
39. The manager/owner is responsible for maintaining the property free of litter and graffiti.
40. There must be no exterior advertising of any type including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
41. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on October 27, 2015 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
42. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.

By signing this document, Luen H. Chan, certifies that he read, understood, and agrees to the Project Conditions listed in this document.

Luen H. Chan, Applicant